

comes here for relief, upon the footing of that very judgment, has shown himself entitled to equitable relief. It seems to me impossible that a doctrine fraught with such consequences, can be maintained; and, therefore, to avoid inconsistent and antagonistic decrees in relation to the same matter, I am of opinion that this case cannot now be decided.

It has been said, that the court cannot, as this case stands, look at the proceedings in the injunction case; but seeing that both the bill and the answer refer to them—the former for the purpose of accounting for the failure of the plaintiff to execute his judgment at law, and the latter praying that the defendant may be allowed to refer to them at the trial of this cause—it seems to me that I cannot shut my eyes to their existence; and upon looking at those proceedings, and seeing that a decree may be passed by the Court of Appeals, upon the appeal, which might render a decree in favor of the complainant in this case unavailable, I cannot think it would be proper now to proceed to a final decree.

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[The order of the Chancellor of the 27th of April, 1846, dissolving the injunction, having been affirmed by the Court of Appeals at June term, 1848, and the difficulty suggested in his foregoing remarks consequently removed, the Chancellor, in his opinion of the 28th July, 1848, said :]

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An effort has been made to impeach the judgment of the complainant, but, I think, without success.

Though the judgment of condemnation of 1825 was by default, that of *flat executio* of 1829 was by confession, and I am unable to see anything in the circumstances, as shown by the proceedings in this case, or in the case referred to in it, which should induce a court of equity to refuse to give effect to it.

The reluctance with which courts of equity interfere with judgments at law is conspicuous in the adjudged cases, and it is believed to be well settled by the Maryland decisions, that chancery never will so interfere, where the parties own default, or neglect, has made an application to the latter tribunal neces-